

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., et al.,)	CASE NO. 2:10-cv-106-LRH-PAL
)	
Plaintiff(s),)	MINUTES OF COURT
)	
vs.)	DATE: Thursday, September 24, 2015
)	
RIMINI STREET, INC., et al.,)	
)	
Defendant(s).)	
_____)	

PRESENT: THE HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Dionna Negrete Reporter: Donna Davidson
Counsel for Plaintiff: William Isaacson, Esq., Karen L. Dunn, Esq., Kieran P. Ringgenberg, Esq., Thomas S. Hixson, Esq., James C. Maroulis, Esq., Richard J. Pocker, Esq., Nitin Jadal, Esq., John Polito, Esq., Dorian Daley, Esq..
Counsel for Defendant: B. Trent Webb, Esq., West Allen, Esq., Robert H. Reckers, Esq., Peter E. Strand, Esq.

MINUTES OF JURY TRIAL DAY 9

7:56 a.m. Court convenes outside the presence of the jury. Counsel and parties are present. The Court addresses the issues raised from yesterday regarding video deposition of Ray Grigsby. The Court rules that the J.D. Edwards references in the video will not be admissible and shall be redacted accordingly within the video clip (page 299 lines 24 through page 301 line 5). The Court rules that the Oracle references are admissible as so indicated on the record.

Regarding the experts' testimony in reference to TomorrowNow and CedarCrestone, Inc. raised yesterday, IT IS ORDERED that the experts should be allowed to testify regarding the TomorrowNow references as indicated on the record.

Pursuant to Defendant's Motion to Admit DTX152, DTX153, DTX164A, DTX340, and DTX345 Without Redactions, [#806], this matter will stand submitted until the Court can address the exhibits individually at a break.

Mr. Webb alerts the Court to a possible witness dispute regarding Oracle's witness Juan Jones.

8:07 a.m. The jury enters the courtroom. Counsel and the parties are present.

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Mr. Polito notifies the Court that plaintiff's will play video deposition of Ray Grigsby dated June 8, 2011. Mr. Polito confirms the pre-admission of plaintiff's exhibits PTX181, PTX195, PTX199, PTX200, and PTX201, and moves for the admission of exhibits as follows:

PTX182, PTX186, PTX190, and PTX194; no objection; PTX182, PTX186, PTX190, and PTX194 are admitted.

Ray Grigsby's video deposition dated June 8, 2011, is played in open court.

Mr. Polito notifies the Court that plaintiff's will play video deposition of Beth Lester dated March 17, 2011.

Beth Lester's video deposition dated March 17, 2011, is played in open court.

Edward Yourdon is called on behalf of the plaintiffs, is sworn and testifies on direct examination by Ms. Dunn. Mr. Yourdon is designated as an expert witness.

8:59 – 9:02 a.m. Sidebar.

PTX1333 is offered; no objection; PTX1333 is admitted.

Cross examination by Mr. Reckers. Re-direct examination by Ms. Dunn. Witness is excused.

9:51 a.m. The jury is admonished and excused. Court stands at recess.

10:09 a.m. Court reconvenes outside the presence of the jury. Counsel and the parties are present. The Court has received Stipulation and [Proposed] Order Re Agreement to Admit Trial Exhibits, [#817]. The Court approves and signs the stipulation in open court. The documents in the stipulation are admitted.

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Mr. Strand represents to the Court that counsel discussed the non-infringing alternative slide previously used in prior testimony. Counsels agree that the same ground rules will be followed as ruled upon at side bar earlier with the next witness. Mr. Strand notifies the Court that he understand the Court has not ruled on the disputes with exhibit DTX154B, but anticipates possibly using the exhibit with the next witness and requests if the Court can possibly provide a ruling as to this particular exhibit at his earliest convenience. The Court will attempt to review and make a ruling prior to the testimony of the next witness.

10:13 a.m. The jury enters the courtroom. Counsel and parties are present.

Mr. Polito notifies the Court that plaintiff's will play video deposition of Alecia Holmes dated December 15, 2011. Mr. Polito moves for the admission of plaintiff's exhibits PTX589; no objection; PTX589 is admitted.

Alecia Holmes video deposition dated December 15, 2011, is played in open court.

Mr. Polito notifies the Court that plaintiff's will play video deposition of John Whittenbarger dated September, 27, 2011. Mr. Polito confirms pre-admission of plaintiff's exhibits PTX6, PTX9, PTX42, PTX223, and PTX310. Mr. Polito moves for admission of plaintiff's exhibits PTX221, PTX306, and PTX314; no objection; PTX221, PTX306, and PTX314 are admitted.

Elizabeth Dean is called on behalf of the plaintiffs, is sworn and testifies on direct examination by Mr. Isaacson.

PTX1960, PTX789, PTX775, PTX3503, PTX3512, and DTX1947 are offered; no objection; PTX1960, PTX789, PTX775, PTX3503, PTX3512, and DTX1947 are admitted.

Ms. Dean is designated as an expert witness.

PTX6002 is marked and offered; objection; objection overruled; PTX6002 is admitted.

11:58 a.m. The jury is admonished and excused. Court stands at recess.

12:23 p.m. Court reconvenes. The jury, counsel, and parties are present.

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Elizabeth Dean resumes the witness stand and continues testimony on direct examination by Mr. Isaacson.

PTX6003 is marked and offered; objection; continuing objection overruled; PTX6003 is admitted.

PTX6004 is marked and offered; continuing objection; objection overruled; PTX6004 is admitted.

PTX6005 is marked and offered; continuing objection; objection overruled; PTX6005 is admitted.

PTX6006 is marked and offered; continuing objection; objection overruled; PTX6006 is admitted.

PTX5469 is offered; objection;

12:44 – 12:47 p.m. Sidebar.

Objection overruled. PTX5469 is admitted. The Court provides a limiting instruction to the jury.

PTX5470 is offered; continuing objection; objection overruled; PTX5470 is admitted. The Court informs the jury the previous limiting instruction applies to this exhibit as well.

Cross examination by Mr. Strand.

1:52 – 1:56 p.m. Sidebar.

IT IS ORDERED that trial is continued to Friday, September 25, 2015, at 8:00 a.m. in Las Vegas Courtroom 4B.

2:04 p.m. The jury is admonished and excused Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ D. Negrete
Deputy Clerk